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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/407,136	09/27/1999	VADIM SHTEYNBERG	99RE036	2345
7590	12/02/2004		EXAMINER	
JOHN J HORN ROCKWELL AUTOMATION 1201 SOUTH SECOND STREET MILWAUKEE, WI 53204			TUGBANG, ANTHONY D	
			ART UNIT	PAPER NUMBER
			3729	

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

05

Office Action Summary

Application No.

09/407,136

Applicant(s)

SHTEYNBERG ET AL.

Examiner

A. Dexter Tugbang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,21,23-26,29 and 34-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2,21,23-26,29 is/are allowed.
- 6) ☒ Claim(s) 34 and 36 is/are rejected.
- 7) ☒ Claim(s) 35 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/7/04 has been entered.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

3. Claim 34 is rejected under 35 U.S.C. 102(e) as being anticipated by Takehara 6,163,952.
Takehara discloses a method of winding segments of an electromechanical device comprising: arranging a plurality of stator segments in a side-by-side orientation along an axis of rotation with each stator segment comprising a respective, separate bobbin (see Fig. 7A); and winding a wire dispensed from a wire dispenser (see Fig. 10) permanently onto the bobbin of each of the segments about the axis of rotation such that the segments are in series.

Claim Rejections - 35 USC § 103

4. Claim 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takehara in view of JP'119.

Takehara discloses the claimed manufacturing method as relied upon above. Takehara does not mention a relative rotation in that the wire dispenser remains stationary and the segments rotate.

JP'119 shows a relative rotation in that a winding can occur with the segments 2 rotating and the wire dispenser 3 remaining stationary to form multiple segments of windings having the advantages of not decreasing the magnetic characteristics (see Purpose).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Takehara by including the relative rotation of JP'119, to positively form multiple winding segments without decreasing the magnetic characteristics.

Response to Arguments

5. Applicant's arguments filed 9/7/04 have been fully considered but they are not persuasive.

In regards to the merits of Takehara, the applicant(s) believe that Takehara fails to teach arranging the stator segments in a side-by-side orientation "along an axis of rotation" and winding a wire onto the bobbin of each of the segments about "the axis rotation". The applicant(s) appear to be placing a great deal of emphasis on the "axis of rotation".

The examiner most respectfully disagrees with this assertion and notes that the "axis of rotation" is a very broad limitation and can be read as, for example, either the centerline of each of the stator segments itself or the centerline of the wire dispenser (in Fig. 10), about which the wire is wound around this centerline. Furthermore, the stator segments or bobbins of Takehara are arranged in a side-by-side orientation along this centerline and the wire is wound about this

very same centerline, whereas the terms of "along" and "about" are very broad, such that the "axis of rotation" can be selected as the centerline of each bobbin or of the wire dispenser. It is noted that the claims do not recite any relationship of a relative direction between the "axis of rotation" and all of the stator segments, particularly that the "axis of rotation" must be *transverse* or *perpendicular* relative to the stator segments. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, JP'119 and Takehara each share the concept of winding wires around stator segments. Clearly, the Figures of JP'119 as well as the Purpose and Abstract explicitly recite that the stator segments are rotating and that the wire dispenser is stationary as this is more than understandable to one of ordinary skill in the art that this would be an alternative means of winding a wire relative to a stator segment. Therefore, the examiner maintains that the

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combination of Takehara and JP'119 is proper. The examiner further notes that the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

With respect to the overall merits of JP'119, the examiner is presently in the process of obtaining a certified English Language translation of JP'119. The examiner will provide the applicant(s) with a copy of the full, english language translation of JP'119 upon receipt, which should be readily available either upon the applicant(s) next response, or by the examiner's next corresponding Office Action.

Allowable Subject Matter

6. The following is a statement of reasons for the indication of allowable subject matter: the prior art does not teach all of the limitations of the claimed invention including winding N sets of stator segments, each segment comprising a respective separate bobbin, the N sets of segments being wound with a single continuous length of wire for each set such that the segments of each set are electrically in series; and combining the N sets of segments in a common circumferentially adjacent circular arrangement to form the wound member, maintaining the single continuous length of wire of each segment on the bobbin on which the wire was wound. The above features are recited in each of Claims 2, 23 and 35.

7. Claims 2, 21, 23-26 and 29 are allowed.

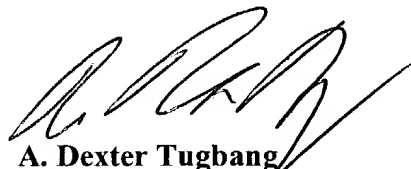
8. Claim 35 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to A. Dexter Tugbang whose telephone number is 703-308-7599. The examiner can normally be reached on Monday - Friday 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 703-308-1789. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


A. Dexter Tugbang
Primary Examiner
Art Unit 3729

November 29, 2004